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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,493	04/07/2000	Sherman Janes	004698.P001	1791
22852	7590	10/05/2005		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER PARTHASARATHY, PRAMILA				
ART UNIT		PAPER NUMBER		
2136				

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,493	JANES, SHERMAN	
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 11, 12, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/20/2005</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Applicant's submission filed on March 22, 2005 has been entered and made of record.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 9/20/2005 is being considered by the examiner. An initialed copy of IDS is attached to this office action.

Response to Arguments

4. Applicant's arguments with respect to claims 1 – 11, 13 – 24 and 26 – 28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. Claims 27 and 28 recite the limitation "the key server" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Examiner will broadly interpret "the key server" as "any server".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1- 10, 13 – 23 and 26 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pensak et al. (U.S. Patent Number 6,289,450).

7. Regarding Claims 1, 6, 14 and 19, Pensak teaches

receiving data from a network application program interface (API) of a sending client, the data comprising a portion of an event to be sent from the sending client (Summary and Column 2 lines 10 – 28);

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determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data(Summary and Column 2 lines 10 – 28);

creating a selector based on the selector data and using said selector to search a database of security associations for at least one selector/security association pair identifying a security association corresponding to the selector, said database storing a plurality of selector/security association pairs corresponding to different timewise intervals of said event(Summary and Column 2 lines 10 – 57);

sending the data to which the security operation has been applied to a network protocol layer of the sending client (Summary and Column 3 lines 10 – 35).

8. Regarding Claims 27 and 28, Pensak teaches a processing unit to:

receive a selector/security association pair identifying a security association corresponding to said succession of time intervals of said event(Summary and Column 2 lines 10 – 28);

receiving data from a network application program interface (API) of the sending client, the data including a portion of the event within one of said timewise intervals(Summary and Column 2 lines 10 – 28),

determine if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data(Summary and Column 2 lines 10 – 28),

create a selector based on the selector data, wherein said selector indicates at least one of said selector/security association received from the key server(Summary and Column 2 lines 10 – 57);

apply the security operation to the data if the data is eligible, wherein applying the security operation comprises using the security association on the at least a portion of the data(Summary and Column 2 lines 10 – 57), and

send the data to which the security operation has been applied to a network protocol layer of the sending client (Summary and Column 3 lines 10 – 35).

9. Claims 2, 8, 15 and 21 are rejected as applied above in rejecting claims 1, 6, 14 and 19. Furthermore, Pensak teaches said event to be sent from the sending client to a receiving client storing a remote database comprising a similar plurality of selector/security association pairs respectively corresponding to said different timewise intervals of said event (Summary and Column 5 line 50 – Column 6 line 60).

10. Claims 4 and 17 are rejected as applied above in rejecting claims 1 and 14. Furthermore, Pensak teaches attaching a header to the data, said header including a security operation tag; and encrypting the data (Summary and Column 5 line 50 – Column 8 line 6).

11. Claims 10 and 23 are rejected as applied above in rejecting claims 6 and 19.

Furthermore, Pensak teaches determining that the data is not eligible for the security operation if the selector cannot be created based on the selector data, wherein said data is sent to the network API or the receiving client without an applied security operation if it is determined that the data is not eligible (Summary and Column 5 line 50 – Column 6 line 60).

12. Claims 13 and 26 are rejected as applied above in rejecting claims 6 and 19.

Furthermore, Pensak teaches applying encryption to the data; removing special packaging from the data; applying decryption to the data; and performing an integrity check on the data (Summary; Column 7 line 59 – Column 8 line 60).

13. Claim 20 is rejected as applied above in rejecting claim 19. Furthermore, Pensak teaches detecting a security operation tag in a header to the data; detecting failure of an integrity check (Summary; Column 5 line 50 – Column 6 line 60).

14. Claims 3 and 16 are rejected as applied above in rejecting claims 2 and 14.

Furthermore, Pensak teaches selector data is based at least in part on one of an internet protocol address taken from the data and a port indicator taken from the data (Summary; Column 5 line 50 – Column 6 line 60 and Column 7 line 59 – Column 8 line 60).

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15. Claims 5 and 18 are rejected as applied above in rejecting claims 2 and 14.

Furthermore, Pensak teaches local database selector/security association pairs and said remote database selector/security association pairs having been received from a key server (Summary; Column 5 line 50 – Column 6 line 60 and Column 8 line 64 – Column 9 line 15).

16. Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Pensak teaches detecting a security operation tag in a header to the data; performing an integrity check (Summary; Column 5 line 50 – Column 6 line 60).

17. Claims 9 and 22 are rejected as applied above in rejecting claims 8 and 21. Furthermore, Pensak teaches receiving client database selector/security association pairs and said sending client data base selector/security association pairs having been received from a key server (Summary; Column 5 line 50 – Column 6 line 60 and Column 8 line 64 – Column 9 line 15).

Conclusion

18. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

October 03, 2005.

CEL
Prima Examiner
AU 2131
10/2/05